

**SUPREME COURT MINUTES  
THURSDAY, JANUARY 5, 2006  
SAN FRANCISCO, CALIFORNIA**

**S124503**

C044625 Third Appellate District

PEOPLE v. SHELTON

Opinion filed: Judgment reversed

The Court of Appeal's judgment is reversed with directions to dismiss defendant's appeal.

Opinion by Kennard, J.  
----- joined by George C.J., Baxter, Chin,  
Moreno and Armstrong\* JJ.

Dissenting opinion by Werdegarr, J.

\* Associate Justice of the Court of Appeal,  
Second Appellate District, Division Five,  
assigned by the Chief Justice pursuant to article  
VI, § 6 of the California Constitution.

**S128297**

GARCIA (ROY L.) ON H.C.

Petition for writ of habeas corpus denied

The petition for a writ of habeas corpus is  
denied as moot. (*People v. Garcia* (2005)  
36 Cal.4th 777, 795, fn. 4.)

**S040703**

PEOPLE v. ROBINSON (JAMES)

Time extended to consider modification or rehearing

to March 3, 2006.

**S049596**

PEOPLE v. BRYANT, SMITH &amp; WHEELER

Record augmentation granted

Defendant Stanley Bryant's September 13,  
2002, "Motion to vacate certification, or, in the  
alternative, to correct, augment and settle the

record," joined by defendant Leroy Wheeler, is granted in part as follows.

The motion to augment the record is granted as follows. On or before March 30, 2006, the record on appeal is to include all documents filed or lodged, and transcripts of all oral proceedings, in the municipal or superior courts pertaining to the prosecution of defendants Stanley Bryant, Donald Smith, and Leroy Wheeler, and any codefendants prior to their severance from the prosecution against defendants, whether or not such matters relate specifically to defendants, and whether or not defendants or their counsel have had access to such documents or transcripts or were present at such proceedings.

On or before March 30, 2006, the Los Angeles County Superior Court clerk is directed to prepare a supplemental reporter's transcript of the December 6, 1991 RT 3546-3572, and the October 11, 1991 sealed transcript referenced at CT 9592, and transmit it to this court.

The motion for access to these transcripts is denied without prejudice to renewal after the material is augmented and can be reviewed by the court. The motion for access to CT 16473-16479, January 24, 1995 RT 6327-6331, February 1, 1995 RT 6932-1 to 6932-14, January 23, 1989 RT 2148-2179, January 24, 1989 RT 2187-2199, January 25, 1989 RT 2315-2327, January 25, 1989 RT 2348-2353, and December 15, 1988 RT 1166-1173 municipal court transcript is granted. On or before January 31, 2006, the clerk is directed to provide counsel for defendants Bryant and Wheeler and respondent with a copy of these clerk's and reporter's transcript pages, and that of the reporter's certification for each transcript. It is ordered that only counsel for defendants Bryant and Wheeler and counsel for respondent, and their respective investigators, may use the copy of the clerk's and reporter's transcript. Use of such materials is limited to this appeal and to any petition for writ of habeas corpus challenging the lawfulness of confinement pursuant to the underlying judgment of death. To the extent the parties quote or describe such materials in court papers, those papers must

themselves be filed or lodged under seal. The clerk is further directed to keep these materials under seal.

On or before January 31, 2006, the clerk is directed to provide defendants Bryant and Wheeler and respondent with a copy of Supplemental III CT 10690 and that of Supplemental III CT 10692, the clerk's certification. The clerk is further directed to keep these materials under seal.

On or before March 30, 2006, the court reporter is directed to provide this court and the parties a declaration stating (1) that for any reporter's transcript page for which there is a group number (i.e., a page numbered 2921-3313), whether the pages included in this page range either do not exist, or exist elsewhere in the record in sealed or other form; (2) whether RT 8499 was intentionally left blank; (3) what the correction should be for the crossed out word on RT 9882, line 9; the meaning of <PWRAOUPB> <ER> (CT 3406, line 25), "While <HREU>" (CT 3421, line 25), the symbols "\*\*\*\*" (RT 7762, line 12), and "6H" (RT 9978, line 7); and (4) the prospective juror's response if any (RT 7185, line 7, 7277, line 1).

The superior court is directed to conduct a hearing or hearings to settle the record with regard to (1) any off-the-record discussions to determine whether they occurred between the superior court and other persons related to defendant's trial, and were regarding an issue related to this case, and if so, settle the content of what was said (CT 1366, 3285, 3562, 3624, 3635, 3949, 4063, 4153, 4505; 2 Supp. CT 7634, 7649, 7651, 7867, 7897, 7904-7905, 7956, 8035, 8146, 8810, 8903; RT 3347, 4894-4895, 5032, 6070B, 6270, 6515, 6519-6520, 7891, 7950, 8620, 10226, 11999, 12936, 13006, 13360, 14544, 14658, 15190, 15741, 15742, 15754, 15784, 15948, 16091, 16174, 16891, 16972, 17013, 17931, 18764, and 18859); (2) the content of missing transcript (RT 7890); and (3) clarification of which prospective juror is speaking or referred to (RT 6594-6596, 6614, 7260-7263 [identity of juror excused on RT 7263; see RT 7298-7306], 7508 [see RT 7380-7381], 7867 [see RT 6898-6910, 7710-7715]).

The superior court is directed to order the preparation of clerk's and reporter's transcripts to be completed on or before March 30, 2006.

The motion to augment and unseal a December 13, 1991 transcript is denied without prejudice because there is no reference to sealed material on the cited pages of the reporter's transcript (RT 9787-9789) and no sealed material for December 13, 1991 in the record.

The motion to augment and unseal Exhibits 1-8 to the People's writ petition regarding a recusal motion is denied without prejudice pending elaboration as to whether these documents have been included in any supplemental clerk's transcript in sealed form, and if so, where in the record they are located.

Defendant's request for a copy of the preliminary hearing transcript of Andre Armstrong regarding the 1982 homicide of Ken Gentry is denied without prejudice pending elaboration on the date of the hearing, the courtroom in which the hearing was held, the name of the superior court judge, and the name of the court reporter.

The motion for a copy of the transcript of the July 12, 2002 record correction hearing, and the final volume of the clerk's transcript, is denied as moot. Counsel has informed the court she now has these items.

In all other respects the motion is denied.

**S058092**

PEOPLE v. HARRIS (MAURICE)  
Order filed

The "Request for Stay of Penal Code § 1193 Proceedings," filed on January 5, 2006, is granted. Execution of the judgment of death entered against condemned inmate Maurice Lydell Harris by the Los Angeles Superior Court (No. YA020916) and affirmed by this court on August 29, 2005 (37 Cal.4th 310), is hereby stayed pending final determination of any timely filed petition for writ of certiorari in the United States Supreme Court. If a petition for writ of certiorari is not submitted within the time prescribed, this stay will terminate when the time for submitting such petition has expired.

SAN FRANCISCO

JANUARY 5, 2006

53

**B181447**

PEOPLE v. EDWARDS (PATERAEL)

Time extended for granting review on court's own  
motion

To February 16, 2006.

